

LICENSING SUB-COMMITTEE

**MEETING HELD AT THE BIRKDALE ROOM - SOUTHPORT TOWN
HALL, LORD STREET, SOUTHPORT, PR8 1DA
ON TUESDAY 10TH OCTOBER, 2023**

PRESENT: Councillor Lynne Thompson (in the Chair)
Councillors Waterfield and Corcoran

1. APPOINTMENT OF CHAIR

RESOLVED:

That Councillor Lynne Thompson be appointed as Chair for this meeting of the Sub-Committee.

2. DECLARATIONS OF INTEREST

No declarations of any disclosable pecuniary interests or personal interests were received.

3. LICENSING ACT 2003 – SUB COMMITTEE - THE ROSE TEA ROOM, 3 WELD PARADE, BIRKDALE, PR8 2TD

The Sub-Committee considered the report of the Assistant Director of Place (Highways and Public Protection) regarding an application by Mr Barrie Minerro for the Grant of a Premises Licence in respect of The Rose Tea Rooms, 3 Weld Parade, Birkdale, PR8 2TD.

A letter of objection had been received from a local resident and this necessitated a hearing for which the Sub-Committee had been convened.

The Sub-Committee heard representations from Ms Andrea Forrest (Applicant's Representative) in support of the application.

Ms Forrest agreed the issues that were in contention and the procedure that was to be followed.

At the end of their representations, Ms Forrest confirmed that they were satisfied that they had said all they wished to say.

The Sub-Committee retired under Regulation 14 (2) of the Licensing Act (Hearings) Regulations 2005 (as amended) and thereby excluded the press and public whilst they reached their decision on the application.

The Sub-Committee returned to give its decision in public.

Decision

RESOLVED: That

The Application for the Grant of a Premises Licence in respect of The Rose Tea Room, 3 Weld Parade, Birkdale, PR8 2TD, be granted subject to the hours set out below and the conditions contained within the operating schedule.

The sale of alcohol by retail (on and off the premises)

Days of Operation

Monday to Sunday

Hours of Operation

10:00 – 23:00

Hours open to the public

Days of Operation

Monday to Sunday

Hours of Operation

09:30 – 23:20

Non-standard timings:

One additional hour to standard timings on the day that British Summer Time commences.

Reasons:

The Sub-Committee heard from the Applicant's representative had considered the written representation of a local resident objecting to the application.

This is an application for the grant of a new Premises Licence and the Sub-Committee is bound to have regard to the appropriate Legislation, Guidance and to Sefton Council's own Statement of Licensing Policy. The Sub-Committee must grant the licence unless to do so would be incompatible with one of the licensing objectives. The Sub-Committee has received a representation in respect of the licensing objective of public nuisance.

In respect of public nuisance, reference was made by the objector to an existing noise issue which occurs when the premises is opening for business each morning. The Sub-Committee were not of the view that an existing noise issue can be said to evidence that public nuisance is likely to arise as a result of the grant of the premises licence; and therefore, could not have any bearing on the current application. However, the Sub-Committee suggested that the objector may wish to raise such concerns with environmental health as appropriate.

The objector appeared to speculate in respect of noise emanating from the premises and the potential effect on their mental health; the Sub-Committee noted that the environmental health department who are consulted as a responsible authority did not object to this application.

Whilst the Sub-Committee had sympathy for the local resident's concerns it had not heard or received any evidence that these concerns will occur as a result of this licence being granted and cannot impose purely aspirational conditions in the absence of any evidence.

The Sub-Committee was satisfied that the Applicant has shown their respect for local residents and the community in attempts to engage with the interested party prior to today's meeting. The Sub-Committee was pleased to note this and hopes that this will continue into the future.

The Sub-Committee concluded that should any concerns come to fruition, in respect of this premises, the interested party would have the right to request a Review of the Premises Licence.